

Application No. 10/022,649
Atty. Dkt. No. SEDN/4665-5

REMARKS

This is intended as a full and complete response to the Final Office Action mailed on March 11, 2005.

Claims 1-3, 8-12, 14 and 16-32 are currently pending. Claims 4-7 are cancelled without prejudice or disclaimer. Claim 1 is amended to include the subject matter of cancelled claim 7. Claims 1-5, 7-12, and 14 are amended to correct informalities. New claims 16-32 are added. The new claims contain no new matter and are fully supported by Applicants' original specification, including original drawings and claims; for example, figures 1-5, pages 7-17.

The Office Action rejected claims 1, 3, 5, 7-9, 11, 12, and 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,317,885 to Fries ("Fries"). The Office Action rejected claims 2 and 10 under 35 U.S.C. §103(a) as being unpatentable over Fries.

A *prima facie* case of obviousness is established when one or more references that were available to the inventor and that teach a suggestion to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art by teaching or suggesting all of the claim elements.

Applicant respectfully traverses the rejections, because the Office Action has failed to establish a *prima facie* case of obviousness. Fries fails to teach or suggest all of the claim elements. For example, Fries fails to teach or suggest a promotional metadata file that includes a promotion type, which is a purchasable event or an interactive advertisement.

Claim 1 recites, *inter alia*, "receiving a broadcast audio, video, and promotional metadata over a broadcast distribution network, the promotional metadata including a plurality of data items, the data items including a promotion type and an EPG feature, the promotion type including a purchasable event and an interactive advertisement". Fries fails to disclose at least these elements. By contrast, Fries discloses different meta-data tags that detail how to render an HTML page. (Fries, col. 20, lines 39-54). Those meta-data tags do not have any promotion type and are not specific to promotions. The meta-data disclosed in Fries merely contain the information necessary

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for the browser to render focus on the links on the page, to select a new page image when the user selects a link, and to gather form input for processing. (Fries, col. 22, line 62 to col. 23, line 3, table, cols. 23-24). Fries fails to disclose at least the claimed promotional metadata file that includes a promotion type, which is a purchasable event or an interactive advertisement. Therefore, claim 1 is patentable over Fries under §103.

Claims 3, 8, 9, 11, and 12 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements. Therefore, claims 3, 8, 9, 11, and 12 are also patentable over Fries under §103.

Claims 5 and 7 are cancelled.

Claim 14 recites, *inter alia*, "receiving a broadcast audio, video, and promotional metadata over a broadcast distribution network, the promotional metadata including a plurality of data items, the data items including a promotion type and an EPG feature, the promotion type including a purchasable event and an interactive advertisement". For the same reasons given with respect to claim 1, claim 14 is also patentable over Fries under §103.

Applicants respectfully request consideration of new claims 16-32.

Claim 16 recites, *inter alia*, "receiving broadcast audio and video content along with a promotional metadata file associated with the broadcast audio and video content, the promotional metadata file including a plurality of data items, the data items including a promotion type, the promotion type including a purchasable event and an interactive advertisement". For the same reasons given with respect to claim 1, claim 16 is also patentable over Fries under §103.

Claims 17-26 depend, directly or indirectly, from claim 16 and, thus, inherit the patentable subject matter of claim 16, while adding additional elements. Therefore, claims 17-26 are also patentable over Fries under §103.

Claim 27 recites, *inter alia*, "a promotional metadata storage to store the promotional metadata file, the promotional metadata file including a plurality of data items, the data items including a promotion type and an EPG action, the promotion type including a purchasable event and an interactive advertisement". For the same reasons given with respect to claim 1, claim 16 is also patentable over Fries under §103.

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Claims 28-32 depend, directly or indirectly, from claim 27 and, thus, inherit the patentable subject matter of claim 27, while adding additional elements. Therefore, claims 28-32 are also patentable over Fries under §103.

The Office Action rejected claims 4, 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Fries in view of the article "TV Anytime as an application scenario for MPEG-7" by Pfeiffer and Srinivasan ("TV Anytime").

Claims 4, 6, and 13 are cancelled.

CONCLUSION

Thus, Applicants believe that all of the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

7/7/05

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